

GUARDIANSHIP BILLS PASSED

HB 39 Smithee, John(R)
 Zaffirini, Judith(D) Relating to guardianships for incapacitated persons.

Remarks: Lists alternatives to guardianship behind purpose statement in code and directs court to determine if alternatives will prevent need for guardianship; adds services and supports to statute and requires the court to determine if supports are in place or available that enable individuals to meet their needs and make decisions so that guardianship may be averted or limited; requires additional information from the physician about the proposed incapacitated person; adds consideration of the proposed person's capacity to make decisions about residence; and adds one hour of training on alternatives to guardianship for the applicant's attorney. SB1881 regarding supported decision-making was amended to this bill.

Bill History: 09-01-15 G Earliest effective date

HB 1337 Naishtat, Elliott(D)
 Zaffirini, Judith(D) Relating to requiring institutions and assisted living facilities to maintain guardianship orders of residents.

Remarks: Requires assisted living facilities and other institutions under Texas Health and Safety Code 242 to request and maintain a copy of guardianship orders.

Bill History: 09-01-15 G Earliest effective date

HB 1438 Thompson, Senfronia(D)
 Zaffirini, Judith(D) Relating to guardianships and other matters related to incapacitated persons.

Remarks: Requires guardian bond to remain in effect during transfer; notice to person if their financial records are being investigated; intervention into a guardianship proceeding; adds great-grandparents/children to list of relatives to third degree; allows court to require deposit of a person's assets to a financial institution for safekeeping; and requires notice to family of change in guardian. Added three bills by amendment:

1. HB3914 requiring notice and opportunity to dissent in court-initiated guardianship process;
2. HB2733 allowing court to determine equitable costs for certain services; and
3. HB4058 allowing ad litem and investigators access to private financial records in court-initiated guardianship.

Bill History: 09-01-15 G Earliest effective date

HB 2665	Moody, Joe(D) HB 39	Smithee, John(R) Zaffirini, Judith(D)	Relating to guardianships for incapacitated persons.
		Remarks:	Lists alternatives to guardianship behind purpose statement in code and directs court to determine if alternatives will prevent need for guardianship; adds services and supports to statute and requires the court to determine if supports are in place or available that enable individuals to meet their needs and make decisions so that guardianship may be averted or limited; requires additional information from the physician about the proposed incapacitated person; adds consideration of the proposed person's capacity to make decisions about residence; and adds one hour of training on alternatives to guardianship for the applicant's attorney. SB1881 regarding supported decision-making was amended to this bill.
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HB 1337	Naishtat, Elliott(D) Zaffirini, Judith(D)		Relating to requiring institutions and assisted living facilities to maintain guardianship orders of residents.
		Remarks:	Requires assisted living facilities and other institutions under Texas Health and Safety Code 242 to request and maintain a copy of guardianship orders.
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HB 1438	Thompson, Senfronia(D) Zaffirini, Judith(D)		Relating to guardianships and other matters related to incapacitated persons.
		Remarks:	Requires guardian bond to remain in effect during transfer; notice to person if their financial records are being investigated; intervention into a guardianship proceeding; adds great-grandparents/children to list of relatives to third degree; allows court to require deposit of a person's assets to a financial institution for safekeeping; and requires notice to family of change in guardian. Added three bills by amendment: <ol style="list-style-type: none"> 1. HB3914 requiring notice and opportunity to dissent in court-initiated guardianship process; 2. HB2733 allowing court to determine equitable costs for certain services; and 3. HB4058 allowing ad litem and investigators access to private financial records in court-initiated guardianship.
		Bill History:	09-01-15 G Earliest effective date

HB 2665	Moody, Joe(D) Zaffirini, Judith(D)	Relating to access to and receipt of certain information regarding a ward by certain relatives of the ward.
	Remarks:	Allows a relative to ask the court for visitation and communication with a person. Requires court to decide within 60 days or 10 days if emergency. Prohibits the guardian from denying the access when court approved. Requires guardians to keep certain relatives informed of status of the person, such as hospitalization or change of residence.
	Bill History:	06-19-15 G Earliest effective date
HB 3092	Rose, Toni(D) West, Royce(D)	Relating to developing and maintaining risk assessment criteria for use by department personnel in determining whether an elderly or disabled person is in imminent risk of abuse.
	Remarks:	Establishes a pilot to evaluate benefit of protective services to elderly and people with disabilities determined to be at risk of future harm from abuse, neglect or exploitation. There is potential for infringement of self-determination and determination of the need for guardianship.
	Bill History:	09-01-15 G Earliest effective date
HB 3424	Smithee, John(R) Zaffirini, Judith(D)	Relating to a central database containing information about certain individuals under guardianship.
	Remarks:	Requires a study by Office of Court Administration on establishing a central database containing names of individuals under guardianship, their guardian, and contact information with best practices for privacy.
	Bill History:	09-01-15 G Earliest effective date
SB 512	Zaffirini, Judith(D) Thompson, Senfronia(D)	Relating to the promulgation of certain forms for use in probate matters.
	Remarks:	Requires the Texas Supreme Court to create forms (including instructions) in plain English and Spanish for simple wills and small estates. Requires only probate courts to inform general public that these forms are appropriate and available at no charge.
	Bill History:	09-01-15 G Earliest effective date
SB 1369	Zaffirini, Judith(D) Smithee, John(R)	Relating to reports on attorney ad litem appointments made by courts in this state.
	Remarks:	Adds the term "competency evaluator" for a licensed or certified physician or psychologist who determines if a person is incapacitated for purposes of guardianship. Requires courts to report court appointments related to guardianship (ad litem, guardian, competency evaluator or mediator) to the Office of Court Administration.
	Bill History:	09-01-15 G Earliest effective date

SB 1876	Zaffirini, Judith(D) Smithee, John(R)	Relating to the appointment of attorneys ad litem, guardians ad litem, and mediators.
	Remarks:	Requires every Texas court with population greater than 25,000 to establish, maintain and post a list of attorneys qualified to serve as attorney or guardian ad litem or mediator and requires rotation in appointment. If agreed by parties someone not on the list may be engaged.
	Bill History:	09-01-15 G Earliest effective date
SB 1881	Zaffirini, Judith(D) Pena, Gilbert (F)(R)	Relating to authorizing supported decision-making agreements for certain adults with disabilities.
	Remarks:	Establishes supported decision-making as an informal alternative to guardianship. Texas is the first state to pass such legislation.
	Bill History:	06-19-15 G Earliest effective date
SB 1882	Zaffirini, Judith(D) Thompson, Senfronia(D)	Relating to a bill of rights for wards under guardianship.
	Remarks:	Establishes a bill of rights for individuals under guardianship with 24 rights, such as the right to live, work and play in the most integrated setting, visit with people of their choice, appear before the court to express their preferences or concerns and to petition the court for termination or modification or a different guardian.
	Bill History:	06-19-15 G Earliest effective date

GUARDIANSHIP BILLS DID NOT PASS

HB 2998	Rodriguez, Justin(D)	Relating to adoption of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.
	Remarks:	Would have added Texas to 42 states with UAGPPJA for uniform rules for guardianship jurisdiction and due process.
	Bill History:	05-14-15 H Set on the House Calendar
HB 3930	Hughes, Bryan(R)	Relating to the provision of care and treatment to certain incapacitated persons.
	Remarks:	Would have added protections for individuals committed to institutional settings by requiring the guardian to personally visit an institution before admission, make monthly visits, and provide timely response to communications from physicians, family members, attorneys, etc.
	Bill History:	03-23-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

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